

EXHIBIT 19

In the Matter Of:

UNITED STATES vs

GOOGLE

CHRISTOPHER LASALA

November 07, 2023



*** HIGHLY CONFIDENTIAL ***

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF VIRGINIA

-----x

UNITED STATES OF AMERICA, et al.,

Plaintiff,

-against-

Civil Action No.

GOOGLE LLC,

1:23-cv-00108

Defendant.

CAPTION CONTINUED

-----x

VIDEOTAPED STENOGRAPHIC DEPOSITION OF:

CHRISTOPHER J. LaSALA - VOLUME III

Tuesday, November 7, 2023

New York, New York

11:07 a.m. - 3:30 p.m.

HYBRID DEPOSITION

Reported stenographically by:

Richard Germosen, FAPR, CA CSR No. 14391

RDR, CRR, CCR, CRCR, CSR-CA, NYACR, NYRCR

NCRA/NJ/NY/CA Certified Realtime Reporter

NCRA Realtime Systems Administrator

Job No. 2023-917736

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1 -----
2 P R O C E E D I N G S
3 11:07 a.m.
4 New York, New York
5 -----
6 THE VIDEOGRAPHER: Stand by, please.
7 We are now on the record. My name is
8 Jonathan Juarez. I am a legal videographer for
9 Lexitas.
10 Today's date is November 7, 2023, and
11 the time is 12:07 -- I apologize, 11:09:07 a.m.
12 This video deposition -- this deposition is taking
13 place at 114 West 47th Street, New York, New York,
14 in the matter of United States versus Google LLC.
15 The deponent is Chris LaSala.
16 Counsel, please identify yourselves
17 for the record.
18 ATTORNEY TESLICKO: David Teslicko
19 for the United States.
20 ATTORNEY WOOD: Julia Tarver Wood
21 from DOJ for the United States.
22 ATTORNEY ELLIS: Andrew Ellis on
23 behalf of the Publisher Class.
24 ATTORNEY TAMOSHUNAS: Archana
25 Tamoshunas on behalf of the Advertiser Class.

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1 As a reminder, my name is David
2 Teslicko. I'm an attorney representing the United
3 States, and I'm joined here by my colleague, Julia
4 Tarver Wood, also an attorney for the United States.
5 Mr. LaSala, are you represented today
6 by counsel?
7 **A. I am.**
8 Q. Who is your counsel?
9 **A. These fine gentlemen.**
10 Q. And your understanding is that these
11 individuals represent you in your individual
12 capacity?
13 **A. Yes.**
14 Q. Okay. We talked about this a little
15 last time, but have you signed any further retention
16 agreements with any of the attorneys here since your
17 last deposition?
18 **A. No, I have not.**
19 Q. Okay. Do you recall the rules we
20 agreed to when you were previously deposed in this
21 matter?
22 **A. I don't, so a refresher would be**
23 **probably warranted.**
24 Q. I won't go through each and every
25 one, you may have the logistical ones, but I do want

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1 ATTORNEY BIAL: Joseph Bial on behalf
2 of the witness.
3 ATTORNEY BITTON: Daniel Bitton on
4 behalf of the witness and on behalf of Google.
5 ATTORNEY SHERMAN: Sam Sherman on
6 behalf of the witness and Google.
7 ATTORNEY BERGERSEN: Alexander
8 Bergersen for Google.
9 THE VIDEOGRAPHER: The court reporter
10 is Rich Germosen and will now swear in the witness.
11 CERTIFIED STENOGRAPHER: Good
12 morning. My name is Rich Germosen. I am a
13 certified stenographic reporter. My license is
14 available for inspection.
15 (Whereupon, the Certified
16 Stenographic Reporter administered the oath to the
17 witness.)
18 C H R I S T O P H E R J. L a S A L A,
19 having been first duly sworn or affirmed, was
20 examined and testified as follows:
21 EXAMINATION BY ATTORNEY TESLICKO:
22 BY ATTORNEY TESLICKO:
23 Q. Good morning, Mr. LaSala. Good to
24 see you again.
25

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1 to remind you of a couple in particular.
2 First, if any of my questions are
3 unclear or you don't understand what I'm asking,
4 please let me know. Otherwise, I will assume that
5 you understood my question.
6 Does that make sense?
7 **A. That's fair.**
8 Q. Okay. We'll be taking breaks
9 periodically today. If you ever need a break, just
10 let me know and we'll accommodate that at the next
11 convenient moment, okay?
12 **A. Okay.**
13 Q. There may be times when your counsel
14 objects to one of my questions. Unless your counsel
15 instructs you not to answer that question, you
16 should go ahead and answer.
17 Do you understand that?
18 **A. I do.**
19 Q. And do you agree to abide by these
20 ground rules?
21 **A. I do.**
22 Q. Okay. A couple more preliminaries.
23 Do you understand that you're
24 testifying under oath today and that you're sworn to
25 tell the truth just as if you were testifying in

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1 investigations as of February 2020?

2 **A. Yes.**

3 Q. After learning of those

4 investigations, did you retain documents?

5 **A. I did.**

6 Q. Did that include Google Chats?

7 **A. So --**

8 ATTORNEY BITTON: Objection to form.

9 **A. -- the instruction, and I don't**

10 **remember the timing of all this, but the guidance**

11 **that we got from counsel was don't --**

12 **THE WITNESS: Oh, okay. Sorry.**

13 ATTORNEY BITTON: Just don't disclose

14 instructions from counsel or communications with

15 counsel.

16 **THE WITNESS: Okay.**

17 ATTORNEY BITTON: To the extent you

18 can --

19 **A. I used chat for nonbusiness-related**

20 **stuff.**

21 BY ATTORNEY ELLIS:

22 Q. After February 2020?

23 **A. I don't know the date. I have no**

24 **idea. This was all kind of coming at us and I don't**

25 **remember.**

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1 document that might be helpful here.

2 ATTORNEY ELLIS: This is going to be

3 LaSala exhibit 24.

4 (Whereupon, document GOOG DOJ AT

5 01828942 through 01828943, is received and marked as

6 Exhibit 24 for Identification.)

7 CERTIFIED STENOGRAPHER: Number 24.

8 BY ATTORNEY ELLIS:

9 Q. And let me know when you've had a

10 chance to review it, Mr. LaSala.

11 **A. Yeah.**

12 Q. It's a pretty short document.

13 **A. Okay. Got it.**

14 Q. Okay. I'll represent that this is a

15 document produced by Google with Bates

16 GOOG-DOJ-AT01828942 and ending in 8943.

17 It appears that this is a printout of

18 a Google Chat conversation between you and Nash

19 Islam, dated December 16, 2020; is that right?

20 **A. That's right.**

21 Q. And who is Nash Islam?

22 **A. He worked for me.**

23 Q. Okay. You reviewed the document.

24 Can you tell me at the high level what this

25 discussion is about?

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1 Q. Do you know whether the default for

2 Google Chats is to be deleted?

3 **A. I do know, but I didn't know -- I**

4 **didn't know then. I only learned that as part of**

5 **this process, like recently.**

6 Q. So you're aware that as of February

7 2020, Google Chats were deleted?

8 ATTORNEY BITTON: Objection to form.

9 Mischaracterizes the testimony.

10 **A. I wasn't aware then.**

11 Q. Okay. But you're aware now. Tell me

12 what your understanding of the retention policy now.

13 ATTORNEY BITTON: Objection to form.

14 **A. My understanding is that Google Chats**

15 **was -- as it was developed as a technology, didn't**

16 **record history --**

17 Q. Okay.

18 **A. -- by default I think.**

19 Q. After you learned about the U.S.

20 competition investigations, did you ever instruct

21 Google employees to communicate via Google Chat with

22 history turned off?

23 ATTORNEY BITTON: Objection to form.

24 **A. I don't recall.**

25 Q. Okay. Let's take a look at a

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1 ATTORNEY BITTON: I'll restate the

2 same objection that this is a previously produced

3 document.

4 **A. So it's so vague I don't -- SKAD**

5 **solve an IDFA consent issue. Yeah, I don't know.**

6 Q. Would you say at a high level this is

7 a discussion about advertising on mobile apps?

8 ATTORNEY BITTON: Objection to form.

9 **A. IDFA SKAD or a mobile app so.**

10 Q. So broadly speaking, this is a

11 discussion about advertising in mobile apps?

12 ATTORNEY BITTON: Objection to form.

13 Lacks foundation.

14 **A. Yeah, I don't know.**

15 Q. Okay. Let me direct you to the

16 bottom of this conversation at the end of page

17 ending in 942.

18 **A. Yeah.**

19 Q. Nash Islam writes, and I'm quoting:

20 Or too sensitive for email, so keep on ping.

21 Do you see that?

22 **A. I do.**

23 Q. Ping refers to Google Chat there?

24 **A. It does.**

25 ATTORNEY BITTON: Objection to form.

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1 Calls for speculation.
2 Q. And then, Mr. LaSala, you write:
3 Start a ping with history turned off.
4 Do you see that?
5 A. I do.
6 Q. So you're instructing Nash Islam to
7 start a Google Chat with history turned off?
8 ATTORNEY BITTON: Objection to form.
9 A. Yeah, I don't recall this, but that's
10 what I wrote.
11 Q. So you wrote: Start a ping with
12 history turned off?
13 A. That's what this seems to show.
14 Q. And ping here refers to Google Chat;
15 right?
16 ATTORNEY BITTON: Object to form.
17 A. Yeah.
18 Q. Why would you instruct someone to
19 start a Google Chat with history turned off?
20 A. I don't know.
21 Q. Okay. And this is from September of
22 2020; right?
23 A. That's what it's dated here.
24 Q. Okay. When you were telling Nash
25 Islam to start a Google Chat with history turned

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1 asked Nash Islam to do that?
2 ATTORNEY BITTON: Objection to form.
3 A. I don't remember why I asked him to
4 do that.
5 Q. Okay. All right.
6 I'm going to introduce one more
7 document here.
8 ATTORNEY ELLIS: So this will be
9 LaSala Lit exhibit 25.
10 (Whereupon, document GOOG DOJ AT
11 01440563 through 01440569, is received and marked as
12 Exhibit 25 for Identification.)
13 CERTIFIED STENOGRAPHER: Number 25.
14 THE WITNESS: Thank you.
15 ATTORNEY ELLIS: And can you tell me
16 how much time we have left?
17 THE VIDEOGRAPHER: We have about 11
18 minutes left.
19 ATTORNEY ELLIS: Okay.
20 BY ATTORNEY ELLIS:
21 Q. And, Mr. LaSala, I'll let you know
22 that I'm really only interested in the first page
23 and then a little bit onto the second page. I know
24 there is more to this document, but I believe you
25 all changed topics, so I would just direct you to

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1 off, to your knowledge, was that consistent with
2 Google policy?
3 ATTORNEY BITTON: Objection to form.
4 A. I don't know why I would have said
5 that.
6 Q. Do you think it's possible that you
7 were instructing your employee to do something
8 inconsistent with Google policy?
9 ATTORNEY BITTON: Objection to form.
10 A. No. I don't know.
11 Q. So do you think it's more likely that
12 you were acting in accordance with Google policy at
13 this time?
14 ATTORNEY BITTON: Objection to form.
15 Calls for speculation.
16 A. Yeah, I don't know. I have no
17 recollection of this, of why I would have said that.
18 Q. Isn't it true that you asked Nash
19 Islam to start a ping with history turned off
20 because you didn't want a record of this
21 conversation?
22 ATTORNEY BITTON: Objection to form.
23 A. I don't -- I don't know why I wrote
24 that. I don't remember.
25 Q. Is that a possible reason that you

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1 review the first page and about a quarter would be
2 relevant to my questions?
3 A. What am I looking at? This is also
4 something I'm not familiar with.
5 Q. Well, let's talk about that,
6 Mr. LaSala. What this appears to be to me is you
7 copying and pasting a Google Chat and then emailing
8 it to yourself.
9 A. Okay.
10 Q. Would you take a look at the first
11 page.
12 A. I mean, I'm going to look at the
13 whole document. So between me and Scott, is that
14 right?
15 Q. Between you and Scott Sheffer.
16 A. Yeah, okay. And the way to read this
17 would be backwards to forwards?
18 Q. This one actually I believe goes
19 forwards to backwards.
20 A. Forwards to backwards.
21 ATTORNEY BITTON: And I'll -- I mean,
22 I'll state another objection that you're just
23 continuing to use time of this deposition to pursue
24 questions and documents that you could have pursued
25 on a first go around, so I'll restate the objection

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1	PAGE LINE	
2	CHANGE:	_____
3	REASON:	_____
4	CHANGE:	_____
5	REASON:	_____
6	CHANGE:	_____
7	REASON:	_____
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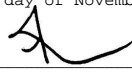
C E R T I F I C A T E

I, RICHARD GERMOSEN, Fellow of the Academy of Professional Reporters, stenographic New Jersey Certified Court Reporter, New Jersey Certified Realtime Court Reporter, California Certified Shorthand Reporter, California Certified Realtime Reporter, NCRA Registered Diplomate Reporter, and NCRA Certified Realtime Reporter, do hereby certify:

That CHRISTOPHER J. LaSALA, the witness whose deposition is hereinbefore set forth, having been duly sworn, and that such deposition is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of November 2023.



RICHARD GERMOSEN,
FAPR, RDR, CRR, CCR-NJ, CRCR, CSR-CA, CCRR-CA, NYACR, NYRCR
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LICENSE NO. 30XR00016800
California CSR No. 14391
California CRR No. 198